

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

Gurjeet Kaur, et al.,)
Plaintiffs,) Cause No.: 2:10-cv-961
vs.)
Sunshine Hospitality, LLC, et al) District Judge Graham
Defendants.) Magistrate Judge Deavers

MOTION TO DISMISS FOR LACK OF DIVERSITY JURISDICTION

Come now Defendants Shiv Singh (misspelled in the Complaint), Harkrishan Khatkar, Adam Goodwin and Laura Goodwin, and for their Motion to Dismiss state as follows:

1. Plaintiffs filed this suit alleging diversity jurisdiction pursuant to 28 U.S.C § 1332. (Amended Complaint ¶ 13).
2. Section 1332(a) requires that the amount in controversy exceed the sum of \$75,000 and be between “citizens of different states.”
3. Here, two plaintiffs – Harpreet Sandhu and Gursurrinderjit Dhonoa – are residents of the State of California.
4. Likewise, two Defendants – Shiv Singh and Harkrishan Khatkar – are residents of the State of California.
5. Therefore, there is not complete diversity of citizenship, and this Court lacks jurisdiction pursuant to 28 U.S.C. § 1332.

WHEREFORE, Defendants respectfully request that this Court enter its Order dismissing the Amended Petition for lack of jurisdiction, and for such other and further relief as this Court deems just and proper.

/s/ John Zervas

John A. Zervas (0043611)
John A. Zervas Co., L. P. A.
326 South High Street, Suite 500
Columbus, Ohio 43215
(614) 222-1889
jzervas@jzervaslaw.com

Jay L. Kanzler Jr. (admitted PHV)
Witzel Kanzler Dimmitt Kenney &
Kanzler, LLC
2001 S. Big Bend Blvd.
St. Louis, Missouri 63117
(314) 645-5367
jaykanzler@wkllc.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of May 2011, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent notification of the filing to the following:

John E. Breen
Law Offices of John L. Alden
One East Livingston Avenue
Columbus OH 43215

Attorney for Plaintiff

/s/ John A. Zervas
John A. Zervas (0043611)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 25th day of May, 2011, via first-class mail, postage prepaid, upon the following:

John E. Breen
Law Offices of John L. Alden
One East Livingston Avenue
Columbus, Ohio 43215

Attorney for Plaintiffs

/s/ John A. Zervas
John A. Zervas (0043611)